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LETTER DATED 18 JULY 1996 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Despite the explicit demands of the Dayton/Paris Peace Agreement, international law, numerous international conferences and, indeed, the Security Council, neither the Federal Republic of Yugoslavia (Serbia and Montenegro) nor the Republika Srpska have honoured their obligations and commitments with respect to the International Tribunal for the Former Yugoslavia. This failure to heed demands, to honour commitments and to respect international humanitarian law, has been reported to and noted by the Council on several previous occasions. The latest letter from the President of the Tribunal, the Honourable Judge Antonio Cassese, dated 11 July 1996 (circulated as Security Council document S/1996/556), once again confirms that the Tribunal's orders are not being obeyed by the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republika Srpska, an entity in Bosnia and Herzegovina. President Cassese, therefore, asks the Security Council to take the necessary steps as envisioned by the Dayton Agreement and the Council itself in establishing the Tribunal - that includes imposing sanctions with respect to the non-compliant.

We have come to the end of the line. No more excuses or delays can be legitimately accepted. Failure to take the necessary measures for the prompt arrest and extradition of war criminals and failure to apply sanctions for non-compliance can only be understood as a lack of respect for the equality of the lives of Bosnian victims, and as a marginalization of international law as well as the Security Council and the institutions it has established. Would the Powers behind the Implementation Force (IFOR) or the permanent members of the Council respond in the same fashion if crimes against their citizens were involved? Clearly, precedent shows otherwise.

The peace process as well as the Tribunal's future are very much at issue, both imperilled by inaction on the ground and delay in the Council. The Council should know its obligations towards the Tribunal as well as to the international community without my assistance. I will take the opportunity to refresh your memory regarding the Dayton/Paris Peace Agreement (see A/50/790-S/1995/999, attachment) which, in annex 4, article II, paragraph 8, reads, "All competent authorities in Bosnia and Herzegovina shall cooperate with ... the International Tribunal for the Former Yugoslavia (and in particular shall comply with orders issued pursuant to Article 29 of the Statute of the Tribunal".

We support efforts to remove indicted war criminals from public and political office as is also demanded by annex 4, article IX, paragraph 1, of the Dayton/Paris Agreement, in order to promote a more democratic electoral process. The latter, however, is explicitly not a substitute for arrest and extradition.

Therefore, we strongly request that within the Council there be no attempts to invoke further excuses and delays and to confuse demands for arrest and extradition with the attempts, so far unsuccessful, to remove indicted war criminals from positions of authority. Regardless of the success or failure of Ambassador Frowick's or Ambassador Holbrooke's efforts to remove them from positions of authority, the Council must move to compel the arrest and extradition of indicted war criminals.

I have just returned from Bosnia and Herzegovina to address the Council members, and my message is simple. On the ground, justice, reconciliation, your credibility and peace are in grave danger. You must act decisively now. We strongly recommend that you encourage IFOR to take the necessary measures and, if necessary, to reconfirm IFOR's mandate. Moreover, we strongly recommend to reimpose sanctions on the non-compliant.

Excellency, may I ask for your kind assistance in circulating the present letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative
Special Envoy